

*Rev. 12/8/97

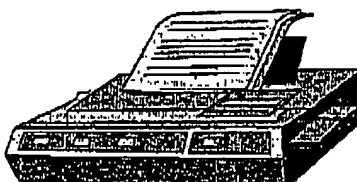
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GIBBONS, DEL DEO, DOLAN, GRIFFINGER & VECCHIONE

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NAME: Randolph A. Reese
FROM: R. Hain Swope
RE: 046259 - 29675 DATE: 11/14/2005
Client Matter

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PTO/SB/97 (08-04)

Approved for use through 07/31/2008. OMB 0851-0031

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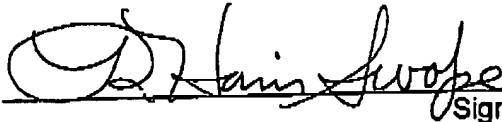
U.S. Serial No.: 09/825,141

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- 1) Fax Cover Sheet
- 2) Transmittal Form
- 3) Request for Withdrawal as Attorney
- 4) Letter in Support of Consideration of Request for Withdrawal

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/825,141	RECEIVED CENTRAL FAX CENTER NOV 14 2005
	Filing Date	April 2, 2001	
	First Named Inventor	Thomas L. Kapp	
	Art Unit	3828	
	Examiner Name	Lena Najarian	
Total Number of Pages in This Submission	Attorney Docket Number	048259-29675	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request (Three) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Request for withdrawal as Attorney or Agent and Change of Correspondence Address
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	R. Hain Swope, Esq.; Registration No.: 24,884 Gibbons, Del Deo, Dolan, Griffinger & Vecchiarelli
Signature	<i>R. Hain Swope</i>
Date	November 14, 2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Signature			

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PTO/SB/83 (09-03)

Approved for use through 11/30/2005. OMB 0651-0035

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**REQUEST FOR WITHDRAWAL
AS ATTORNEY OR AGENT
AND CHANGE OF
CORRESPONDENCE ADDRESS**

Application Number	09/825.141
Filing Date	April 2, 2001
First Named Inventor	Thomas L. Kapp
Art Unit	3626
Examiner Name	Lena Najarian
Attorney Docket Number	048250-28675

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To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

☐ all the attorneys/agents of record.☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or☒ the attorneys/agents associated with Customer Number

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The inventor of this application owes the attorneys associated with the above customer number a substantial amount of money. No payment has been received in over three years. Withdrawal is therefore proper under 37CFR § 10.40(c)(1)(vi) and is respectfully requested.

CORRESPONDENCE ADDRESS1. ☐ The correspondence address is NOT affected by this withdrawal.2. ☐ Change the correspondence address and direct all future correspondence to:☐ Customer Number:

OR

☒ Firm or Individual Name Thomas L. Kapp

Address 21723 Barcan Circle

Address

City Katy

State TX

Zip 77450-6025

Country

Telephone

Fax

Name R. Hain Swope

Signature *R. Hain Swope*

Registration No. 24,884

Date November 14, 2005

Telephone No. 973-598-4905

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.38. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NOV 14 2005

In re Patent Application of:
Thomas L. Kapp

Serial No.: 09/825,141

Art Unit: 3626

Filed: April 2, 2001

Examiner: Lena Najarian

For: WEB-BASED MEDICATION
MANAGEMENT SYSTEM

Attorney Docket No. 046259 - 29675

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**Letter in Support of Consideration of Request For Withdrawal**

Sir:

The undersigned Attorney has submitted two previous Requests For Withdrawal as Attorneys of Record, both of which were not approved for technical points. It is submitted that the Request accompanying this Letter is finally correct. The latest filed Request was not approved because it was written in terms of the Assignee of the application based on the mis-assumption by the undersigned that there was an assignment document in the parent case.

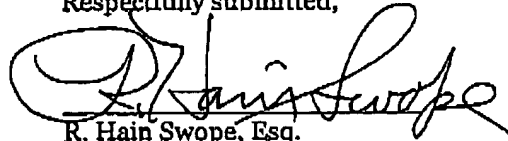
The Office Action in this application was mailed June 15, 2005, therefore, the end of the six month Statutory Period for Response is December 15, 2005 and this Request is being filed at thirty one (31) days from the end of that period. However, the first Request filed **June 30, 2005** was mis-managed with the Patent & Trademark Office and was only acted upon after the undersigned attorney made a series of telephone calls over a month. The decision on the Request submitted June 30, 2005 was mailed on September 30, 2005. Regardless of the error in the stated reason for withdrawal in the Request, it was otherwise in proper form and, it is submitted, the undersigned attorney should not be penalized for an unreasonable delay in the Office for which he was not responsible.

Serial No. 09/825,141
Att Unit 3626

It is respectfully submitted that the equities of these circumstances require granting of the attached Request. There would have been ample time to have considered the Request had the original Request not been mis-categorized when it was received in the Office, and effectively lost until the undersigned attorney made a series of inquiries over a period of a month. There should also be considered that the Applicant in the subject application, Dr. Thomas L. Kapp, was provided with copies of the Office Action and citations on June 30, 2005 and was informed that the attorneys associated with customer No. 26345 would take no action in response thereto, that he would have to seek other counsel or reply to the Office Action pro se, and that a Request For Withdrawal was being submitted in this application. According to PAIR, Dr. Kapp has taken no action in response to the Office Action and it is not anticipated that he will do so. Dr. Kapp was informed that failure to respond by December 15, 2005 would result in the application becoming abandoned.

Favorable and prompt consideration of the attached Request is respectfully requested. Please address all future correspondence to Intellectual Property Docket Administrator, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, One Riverfront Plaza, Newark, NJ 07102-5496. Telephone calls should be made to R. Hain Swope at (973) 596-4905.

Respectfully submitted,



R. Hain Swope, Esq.
Attorney for Applicants
Registration No. 24,864
Phone (973) 596-4905

Date: November 14, 2005